REMARKS

Claims 1-3, 5-7 and 9-11 are pending in the application. Claim 10 has been amended to correct an informality. The specification has been amended to correct typographical errors. No new matter has been added. Reconsideration is respectfully requested in view of the following remarks.

I.   The § 103 Rejections

Claims 1-3, 5-7 and 9-11 were rejected under 35 U.S.C. § 103(a) as being upatentable by U.S. Patent No. 5,634,072 ("Allen") in view of applicant's admitted prior art. Applicant respectfully traverses.

Claim 1 recites a method for providing access to a resource in a programming environment supporting concurrent tasks. In particular, the method includes providing a latch to a first task and accessing a resource with the first task. After the step of accessing the resource, the latch is marked stealable rather than being released.

An advantage of such a method includes a potential efficiency resulting from an ability for a task to reaccess a resource without the need to fully release and reacquire a latch (specification page 3, lines 15-18). In response to the latch being marked stealable, a second task can acquire or "steal" the latch (specification page 6, lines 19-20).

A. Allen Fails To Disclose Marking a Latch Stealable Rather Than Releasing The Latch

Allen discloses a method and system for managing one or more coupling facilities in a data processing system. In particular, Allen discloses that a coupling facility has one of the following states:

Allocated: The structure is created and commands are processed against structure objects.

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Allocation Incomplete: An allocation process has been initiated for a structure, but the initialization of the structure objects has not completed.

Deallocation Incomplete: A deallocation process has been initiated for a structure, but the storage has not all been released.

Unassigned: The structure identifier (SID) value is available for selection by an allocate-cache-structure or allocate-list-structure command. (Col. 19, ll. 20-33).

In rejecting claim 1, the Examiner cited col. 11, line 54 – col. 12, line 34 as disclosing marking a latch stealable. Applicant respectfully disagrees. In the cited portion, the cast-out-lock value refers to a state of data, and not a state of a latch (see col. 12, ll. 20-29). Thus, Allen fails to disclose marking a latch stealable.

The Examiner's attention is directed to FIG. 24 where Allen's detached subroutine is described in detail. Once a detached subroutine is called, owned lock table entries are released for a lock structure. Thereafter, if the user is not persistent, the user record entries for a lock structure are deleted, the users lock entries for a serialized list structure are cleared, and the detach user command, is set up to release the SSID. Otherwise, if the user is persistent, then the detach user command is set up to keep the SSID, and a detach user command is processed to completion. (Col. 36, ll. 34-56).

After the step of accessing a resource, Allen fails to mark a latch stealable rather than releasing the latch. Instead, Allen indicates that after commands are processed against structure objects, a coupling facility is placed into deallocation (incomplete) state, in which owned lock tables are <u>released</u> for a lock structure (emphasis added).

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The Examiner recognizes that Allen fails to disclose marking a latch stealable rather than releasing the latch, however, the Examiner asserts that this limitation absent from Allen and recited in claim 1 is disclosed by applicant's admitted prior art.

B. Applicant's Admitted Prior Art Fails To Disclose Marking a Latch Stealable Rather Than Releasing The Latch

As discussed in the background section of applicant's specification, certain prior art systems permit a latch-holding task to continue to hold a latch rather than relinquishing the latch once the task is finished using a resource. While the prior art systems permit a latch-holding task to continue to hold a task, the prior art systems do not mark a latch stealable – in that a second task can "steal" the latch in response to the latch being marked stealable. Instead, the prior art systems poll the latch to determine if there are any tasks that have requested the latch. Any second tasks cannot acquire the latch until the latch-holding task polls the latch (specification page 2, lines 18-21). Applicant's admitted prior art, therefore, fails to disclose marking a latch stealable rather than releasing the latch, as recited in claim 1.

C. The claim has limitations not taught by either reference

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Both Allen and applicant's admitted prior art fail to disclose marking a latch stealable rather than releasing the latch. Consequently, the combination of Allen and applicant's admitted prior art cannot render claim 1 obvious, and the Examiner has not made a *prima facie* showing of obviousness.

### D. Proposed Combination Would Change Principle Of Operation Of Allen

"If [a] proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

As discussed above, Allen's coupling facilities has one of four states – allocated, allocation incomplete, deallocation incomplete, and unassigned. The applicant submits that if Allen were modified such to include marking a latch stealable rather than releasing the latch, the modification would alter a principle of operation of Allen's deallocation state – which is to specifically release all owned lock tables for a lock structure, as discussed above.

Moreover, it is unclear how or if Allen's deallocation state could be modified to mark a latch stealable rather than release the latch.

In view of the foregoing, it is submitted that the claims 1-3, 5-7 and 9-11 are allowable over the cited references, and are in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
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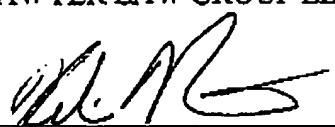
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